

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO

ADA M. CONDE-VIDAL, *et al.*,

## Plaintiffs,

V.

PEDRO R. PIERLUISI, *et al.*

## Defendants.

**CIVIL NO. 14-1253 (GAG)**

**ORDER: Continuing to Enforce Jurisdiction Over Declaratory Judgment**

Having studied the parties' memoranda regarding enforcement jurisdiction at Docket Nos. 100 & 101, the Court will continue to uphold the same in regards to the applicability of Obergefell v. Hodges, 576 U.S. 644 (2015), in the Commonwealth of Puerto Rico.

In its declaratory judgment of April 11, 2016, the Court ordered that: “*The Commonwealth of Puerto Rico, by way of its officials, employees and agents, shall guarantee validly married same-sex couples the same exact rights enjoyed by validly married opposite-sex couples.*” (Docket No. 76 at paragraph 4) (emphasis added). Moreover, the Court clearly indicated that for purposes of the declaratory judgment the “Commonwealth of Puerto Rico” included its three branches, as well as their respective officers and agents acting in official capacity. *Id.* at paragraph 6.

In their Amended Complaint, Plaintiffs in-fact challenge discrimination towards same-sex married couple parental rights. (Docket No. 7 at paragraph 55(e)).

Accordingly, Plaintiffs may seek to address under the existing judgment any curtailment of the rights enunciated by the Supreme Court in Obergefell, *supra*, and Pavan v. Smith, 137 S. Ct. 2075 (2017).

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The present ruling is not one on the merits as to the issue of whether Articles 568-573 of the 2020 Commonwealth of Puerto Rico Civil Code are constitutional. Such is a matter that will have to be fully addressed and briefed, should Plaintiffs proceed to challenge the same.

**SO ORDERED.**

In San Juan, Puerto Rico this 23rd of February, 2021.

*s/ Gustavo A. Gelpí*  
**GUSTAVO A. GELPI**  
United States District Judge